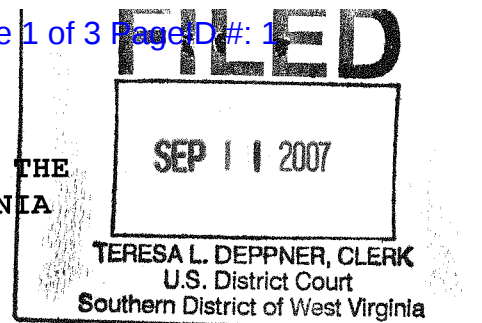


UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON



IN RE:

SEARCH WARRANT

MAGISTRATE NO. 2:07-mj-00091

SEALED MOTION TO SEAL

Comes now the United States of America by Hunter P. Smith Jr., Assistant United States Attorney for the Southern District of West Virginia, and moves this Court:

(1) to seal all documents filed in the above-captioned matter, including the Search Warrant, the executed Search Warrant returned to this Court, the Application and Affidavit for Search Warrant, all attachments to the foregoing documents, this Motion to Seal, and any order entered on it; and

(2) and to order that they remain under seal until further order of this Court.

In support of this motion the United States represents that the Affidavit attached to the Search Warrant Application reveals that at least two individuals, former and current employees of the subject of this investigation, are cooperating with investigators. Although these employees are not named in the Affidavit, because of the limited number of employees and the nature of the information provided, investigators believe if the subject of the investigation, Clark A. Diehl, were to read the affidavit at this time he could easily determine the identities of the cooperating

individuals. Investigators believe that if Diehl learns these identities he will retaliate against them and, further, that the current employee will no longer be able to provide information on an ongoing basis about Diehl's activities.

In further support of this motion, the United States represents that although Diehl is obviously aware of the investigation, the investigation is not generally known and investigators believe that only the individuals directly involved when the search warrant was executed are aware of the search warrant itself. To the extent that Diehl might in the future be willing to cooperate with investigators in further investigations of the matters raised in the Affidavit his ability to do that would be impaired by it being publicly known that his business premises were searched.

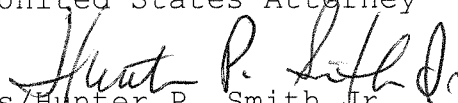
The United States respectfully submits that there are no alternatives to sealing the entire Search Warrant, the executed

Search Warrant returned to this Court, the Application and Affidavit for Search Warrant, all attachments to the foregoing documents, this Motion to Seal, and any order entered on it.

Respectfully submitted,

CHARLES T. MILLER
United States Attorney

By:


s/Hunter P. Smith Jr.

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